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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,507	10/22/2003	Vincent G. Lobdell	MCSP:101US	2228
7590 10/24/2006			EXAMINER	
S. Peter Konzel, Esq. Simpson & Simpson, PLLC 5555 Main Street Williamsville, NY 14221-5406			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,507

Applicant(s)

LOBDELL, VINCENT G.

Examiner

LIEN TM NGO

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (5,366,619) in view of Visser (5,567,308).

Matsui et al. disclose, in fig. 1, a beverage dispenser comprising: at least one upper reservoir 2 for holding a liquid beverage; at least one lower reservoir 4 and 8 for receiving said liquid beverage from said at least one upper reservoir; at least one heating/cooling element 8a, 8b disposed in said at least one lower reservoir and operatively arranged to heat/cool said liquid in said lower reservoir; means 7 a, b and c for dispensing said liquid beverage from said at least one lower reservoir; a connecting reservoir 4 disposed between said at least one upper reservoir and said at least one lower reservoir 8; and means 12 for infusing the beverage in the lower reservoir with a gas..

Matsui et al. does not disclose at least one filter element operatively arranged to be removably disposed between said at least one upper and said at least one lower reservoir, and said filter is disposed inside said upper reservoir; and a removal lid covering the upper reservoir.

Visser teaches a beverage dispenser comprising a filter element 30 operatively arranged to be removably disposed between an upper reservoir and a lower reservoir and said filter is disposed inside said upper reservoir; and a removal lid 17 covering the upper reservoir.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the beverage dispenser of Matsui et al. with an upper reservoir having a filter element and a removal lid, as taught by Visser, in order to facilitate refilling the dispensed liquid and purify the dispensed liquid.

3. Claims 1, 4-8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loew (5,890,629) in view of Visser (5,567,308).

Loew discloses, in fig. 3, a beverage dispenser comprising: at least one upper reservoir 12 for holding a liquid beverage; at least one lower reservoir 28, 48 for receiving said liquid beverage from said at least one upper reservoir; at least one heating/cooling element 54 disposed in said at least one lower reservoir and operatively arranged to heat/cool said liquid in said lower reservoir; means 24 for dispensing said liquid beverage from said at least one lower reservoir; M said at least one heating/cooling element comprising a semi-conducting heating/cooling element (see col. 6, lines 33-40); and a variable thermostat (col. 8, lines 19-23).

Loew does not disclose at least one filter element operatively arranged to be removably disposed between said at least one upper and said at least one lower reservoir, and said filter is disposed inside said upper reservoir; and a removal lid covering the upper reservoir.

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Visser teaches a beverage dispenser comprising a filter element 30 operatively arranged to be removably disposed between an upper reservoir and a lower reservoir and said filter is disposed inside said upper reservoir; and a removal lid 17 covering the upper reservoir.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the beverage dispenser of Loew with an upper reservoir having a filter element and a removal lid, as taught by Visser, in order to facilitate refilling the dispensed liquid and purify the dispensed liquid.

4. Claims 8-16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. in view of Visser and further in view of Loew.

Matsui et al. in view of Visser does not disclose the heating/cooling element is semi-conducting heating/cooling element.

Loew teaches a heating/cooling element is semi-conducting heating/cooling element.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the heating/cooling element is semi-conducting heating/cooling element in the beverage dispenser of Matsui et al. in view of Visser with semi-conducting heating/cooling element, as taught by Loew, in order to facilitate of heating and cooling the dispensed liquid.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIEN TM NGO
Primary Examiner
Art Unit 3754

October 18, 2006



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